

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED

October 13, 2011

In the Matter of D.R. BURNHAM-BONT and T.J.
HOUSER, Minors.

No. 302256
Ionia Circuit Court
Family Division
LC No. 2009-000418-NA

Before: MARKEY, P.J., and SERVITTO and RONAYNE KRAUSE, JJ.

PER CURIAM.

Respondent appeals of right from the trial court order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i), (c)(ii), (g), and (j). We affirm.

The trial court did not clearly err in determining that statutory grounds for termination of respondent's parental rights were established by clear and convincing evidence and in terminating her parental rights. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000); *In re Gazella*, 264 Mich App 668, 672; 692 NW2d 708 (2005).

The primary issues that led to adjudication were respondent's substance abuse and emotional instability. Respondent's parent agency agreement addressed these issues as well as parenting skills, employment, and housing. The trial court was satisfied that respondent had made "great strides" in addressing the issue of substance abuse. She had not tested positive for 11 months and had participated satisfactorily with her substance abuse counselor. Respondent had also completed parenting classes and there were no reports of serious problems with her visitation with the minor children.

However, the issues of housing, employment, and emotional stability had not been adequately addressed and were not likely to be rectified within a reasonable period of time. Respondent had inappropriate housing because she was living with an individual who abused alcohol, causing possible temptation for respondent. Respondent and her roommate were arrested for shoplifting clothing after the termination hearing began. Respondent did not obtain employment, although she stated she had applied for some jobs with no response. She refused to use the available public transportation to assist in her search for employment and housing.

Respondent began addressing her emotional stability in therapy. Her therapist testified that she had made progress but was in the beginning steps of her recovery and that it would take a long time for significant progress to be made. Respondent's emotional instability continued to be a serious issue as shown by her actions and her testimony. She admitted having a volatile

relationship with the father of her two youngest children for 5½ years, which included domestic violence, and that she and the father had continued contact. Respondent also acknowledged that she was pregnant by a registered sex offender at the time of the termination hearing and that she had chased this man in a car and blocked his car in order to confront him. Respondent acted aggressively toward her case worker on several occasions and swore at her when she was advised that a termination petition was going to be filed.

Respondent had been incarcerated for domestic abuse against the father of her two younger children when the original petition was filed. During the 13 months the minor children had been in care, respondent had been arrested four times, and she spent 121 days in jail. On the first day of the termination hearing, respondent asked the court for 60 more days in order to obtain appropriate housing and employment. After that date, and before the next hearing date approximately a month later, respondent was incarcerated for shoplifting.

The evidence was clear and convincing that respondent's emotional instability continued and was not likely to be rectified within a reasonable time. Respondent's actions and emotional instability prohibited her from providing the minor children with proper care and custody and created a reasonable likelihood that the minor children would be at risk of harm if returned to her care. We find the trial court did not clearly err in finding that the statutory grounds to terminate respondent's parental rights were established by clear and convincing evidence.

Respondent argues that the trial court erred because it relied on the hearsay testimony of the father of her two younger children to conclude that she had continued contact with him. Respondent's argument is without merit. Respondent testified regarding her continued contact with the younger children's father in a brief sexual relationship and as a Facebook friend. She admitted that she was ashamed of her contact and was therefore reluctant to disclose it. Furthermore, the testimony of the father was not hearsay. He testified that he and respondent had contact with each other in person and on Facebook, which was consistent with respondent's testimony.

Affirmed.

/s/ Jane E. Markey
/s/ Deborah A. Servitto
/s/ Amy Ronayne Krause